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IN THE
COURT OF APPEALS OF INDIANA

GEORGE LEACHMAN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A05-0706-CR-355
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Nancy L. Broyles, Judge
Cause No. 49G05-0704-FC-58957

March 26, 2008

MEMORANDUM DECISION ON REHEARING - NOT FOR PUBLICATION

NAJAM, Judge

George Leachman has filed a petition for rehearing asking that we address an alleged error in our memorandum decision. See Leachman v. State, No. 49A05-0706-CR-355 (Ind. Ct. App. December 31, 2007). We grant Leachman's petition for rehearing for the limited purpose of addressing a single issue, namely, whether our memorandum decision was erroneously based on an incorrect aggregate sentence. Upon review, we agree with Leachman that his aggregate sentence was actually six years, not five years as stated in our memorandum decision. With that correction, we nevertheless reaffirm our decision.

Pursuant to a plea agreement, the trial court entered a judgment of conviction against Leachman on two counts of auto theft, as Class C felonies. The court then sentenced him to concurrent six-year sentences, with five years executed on each count and one year suspended to probation. Thus, Leachman's aggregate sentence was six years, comprised of the five-year executed sentence plus the probationary terms. See Ind. Code § 35-50-2-2(c) (suspended portion of felony sentence to be served on probation).

In our memorandum decision, we concluded that an aggregate five-year sentence was not inappropriate given the nature of the offenses and Leachman's character. On rehearing, we conclude that those factors also do not render Leachman's six-year aggregate sentence inappropriate. Leachman quotes our observation that his was not the most egregious of crimes, hoping that we will therefore be disposed to find his six-year sentence to be inappropriate. But we note that the maximum sentence for a C felony is eight years. Ind. Code § 35-50-2-6. Leachman's sentence is two years less than the maximum.

We correct our memorandum decision to restate that the term of Leachman's aggregate sentence is six years instead of five years. However, after considering the nature of the offenses and Leachman's character, our analysis and conclusion apply equally to the six-year sentence in this case. Thus, in all other respects we reaffirm our decision.

With the foregoing modification, we reaffirm our decision.

BAILEY, J., and CRONE, J., concur.